



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adoption of Ordinance No. 1513 entitled, "An Ordinance of the Lodi City Council Amending the City's Exclusive Franchise for Waste Disposal Services to Include Industrial Waste"

MEETING DATE: November 4, 1992

PREPARED BY: City Clerk

RECOMMENDED ACTION: Following reading by title, it would be appropriate for the City Council to adopt Ordinance No. 1513.

BACKGROUND INFORMATION: Ordinance No. 1513 entitled, "An Ordinance of the Lodi City Council Amending the City's Exclusive Franchise for Waste Disposal Services to Include Industrial Waste" was introduced at the regular meeting of the Lodi City Council held May 1, 1991.

Pursuant to State statute, ordinances may be adapted five days after their introduction following reading by title.

This Ordinance has been approved as to form by the City Attorney.

FUNDING: None required.


Alice M. Reimche
City Clerk

AMR/jmp

COUNCOM1/TXTA.02J/COUNCOM

THOMAS A PETERSON

recycled paper

ORDINANCE NO. 1513

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING THE CITY'S EXCLUSIVE FRANCHISE
FOR WASTE DISPOSAL SERVICES TO INCLUDE INDUSTRIAL WASTE

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WHEREAS, on September 28, 1988 under Ordinance 1433, the Lodi City Council granted to Lodi Sanitary City Disposal Company, Inc. the exclusive right to collect all residential and commercial waste within the City Limits; and

WHEREAS, it now appears necessary and desirable to modify that Agreement to include the collection of industrial waste; and

WHEREAS, the Lodi City council hereby determines pursuant to Public Resources Code Section 40059 that the public health, safety and well being require that refuse collection services in the City of Lodi, including collection of industrial waste, be provided by means of an exclusive contract without competitive bidding; and

WHEREAS, Lodi Sanitary City Disposal Company, Inc., a California corporation, is qualified to perform such refuse collection services by means of such contract in the interests of public health, safety, and well being;

NOW, THEREFORE, THE LODI CITY COUNCIL ORDAINS as follows:

SECTION 1. The Agreement entered into between the City and Lodi Sanitary City Disposal Company, Inc. on September 7, 1988 is hereby amended as deocribed in the Addendum to the Agreement attached hereto.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days ~~front and~~ after its passage and approval.

Approved this 4th day of November, 1992

JAMES W. PINKERTON, JR.
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

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State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance NO.1513 was introduced at a regular meeting of the City Council of the City of Lodi held May 1, 1991 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held November 4, 1992 by the following vote:

Ayes : Council Members -

Noes : Council Members -

Absent : Council Members -

Abstain: council Members -

I further certify that Ordinance No. 1513 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

BOBBY W. McNATT
City Attorney

ORD1513/TXTA.01V

M O D I F I C A T I O N T O A G R E E M E N T

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THIS MODIFICATION TO THE AGREEMENT DATED SEPTEMBER 7, 1988 (the Agreement) is entered into this 4th day of November, 1992, by and between the parties to the original Agreement. All terms of the original Agreement, save and except those additions, deletions, and modifications specified herein, shall continue.

R E C I T A L S

Paragraph 1 (Definitions) is modified by the addition thereto of a subsection (d) as follows:

d. Industrial Customers

All industrial customers within the City limits.

Paragraph 2 shall read:

2. "Scope of Agreement

"Contractor shall furnish all materials and equipment required for the orderly collection of refuse on a regularly-scheduled basis to all residential, industrial, and commercial customers
... "

Paragraph 3 shall be modified to read:

3. "Exclusive Nature of Agreement

Contractor shall have within the City limits, subject to the limitations contained in this Agreement, the exclusive right and duty to collect and transport to a site designated by the City all residential, commercial, and industrial refuse."

Paragraph 6 shall be modified by the addition thereto of a subparagraph c. as follows:

C. Industrial Customers

(Collection schedule to be added.)

Paragraph 8 shall be modified, to include industrial collection, as follows:

"8. Hours of Collection

" ... Industrial collection shall be made on an "as needed" basis, subject to agreement between the contractor and industrial customer."

Paragraph 30 shall be modified to delete reference to Lodi Municipal Code Section 13.16.060 which section no longer relates to insurance liability, as follows:

"30. Liability Insurance

"... In this connection, contractor agrees to furnish the City with evidence of Workers' Compensation Insurance coverage and a certificate of insurance showing a minimum of \$500,000 for damage to property, and \$1,000,000 for injury to persons, with the City of Lodi named as an additional insured on said policy."

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first hereinabove mentioned.

CITY OF LODI, a municipal
corporation

LODI SANITARY DISPOSAL COMPANY, INC.

THOMAS A. PETERSON
City Manager

DAVID VACCAREZZA
General Manager

ATTEST:

APPROVED AS TO FORM:

ALICE M. REIMCHER
City Clerk

BOBBY W. McNATT
city Attorney

AGRREFUS/TXTA.01V

CITY COUNCIL MEETING
November 4, 1992

Absent: Council Members - None